



Spill Prevention, Control, and Countermeasure Plans

Legal Requirements

The federal Clean Water Act requires facilities that store any kind of oil above certain volumes to prepare and implement Spill Prevention, Control and Countermeasure (SPCC) Plans to prevent the discharge of oil from a facility into navigable waters or adjoining shorelines. “Oil” is defined in Section 311(a)(1) of the Clean Water Act as “oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.” EPA interprets this definition to include crude oil, petroleum and petroleum-refined products, as well as non-petroleum oils such as vegetable and animal oils.

SPCC Plans require that your facility have adequate containment, such as berms and dikes around aboveground fuel tanks (ASTs) or use certain double-wall ASTs to protect the soil and water in the event of a spill [40 CFR 112.1]. SPCC Plans are federal requirements, administered by the U.S. Environmental Protection Agency (EPA).

Does Your Facility Require a SPCC Plan?

Your facility needs to develop a SPCC plan if it does any of the following:

- ◆ Stores oil above ground in any size tank(s) with a total aggregate volume over 1,320 gallons (containers of less than 55 gallons are exempt); and
- ◆ Could reasonably be expected to discharge oil to a “navigable water of the United States” or “adjoining shorelines” considering a possible worst-case scenario. Essentially, the term navigable waters refers to any natural surface water in the United States. This criterion applies to just about every facility in the state that stores oil, since a facility cannot take into consideration any man-made impediments to the flow of oil.

Note: A facility storing over the threshold quantity of oil and arguing that they are not a threat to navigable waters must have a letter from a registered Professional Engineer certifying that a SPCC Plan is not necessary for that facility.

What is an SPCC Plan?

An SPCC Plan outlines a facility’s oil containment systems and procedures to prevent an oil spill. It also outlines oil spill response and clean up protocols. Even if you are not required to have a formal SPCC Plan, you should still consider implementing the common sense practices that are part of a spill plan.

Each SPCC Plan is site specific, but must address the following:

- ◆ Operating procedures that prevent oil spills;
- ◆ Control measures installed to prevent a spill from reaching the environment; and
- ◆ Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches the environment.

Who Writes an SPCC Plan?

The facility can prepare the plan, but a Registered Professional Engineer must certify the plan.

Is There a Particular Form or Format for the SPCC Plan?

EPA does not expect any two plans to look alike. However, at a minimum, all plans must include:

- ◆ Facility layout and drainage patterns;
- ◆ List of all oil storage tanks and areas;
- ◆ Quantities of oil that could be released, with predicted path of flow and flow rate;
- ◆ Procedures for receiving oil from supplier, transfer of oil within the facility, end point uses of the oil, waste oil disposal;
- ◆ Effects of a spill at the facility, fire hazards, employee evacuation, customer/neighbor considerations, press relations;
- ◆ Capacity of required secondary containment devices;
- ◆ Clean-up procedures, use of in-house staff versus contractors;
- ◆ Notification list. Name(s) and phone numbers of in-house management, remote management, fire and police, municipal, state and federal agencies requiring notification;
- ◆ Facility security for prevention of internal sabotage, external vandalism;
- ◆ Employee training for spill prevention, oil handling, and spill clean-up; and
- ◆ OSHA considerations.

A sample SPCC Plan is available on the web at www.epa.gov/reg3hwmd/oil/spcc/sampleplan.pdf or contact the CT-DEP's Office of Pollution Prevention at (860) 424-3297 for a copy.

Where Should the SPCC Plan be Located?

Required: A copy of the SPCC plan must be maintained at any facility manned at least 8 hours per day. For remote locations, the SPCC plan should be filed at the nearest field office. A copy does not have to be filed with EPA or any other agency, unless it is a condition of a permit or license held by the facility. However, the SPCC plan must be available during normal business hours for review by an EPA inspector.

All employees must be made aware of the SPCC plan.

Highly Recommended: Copies should be made for posting in plain view at oil storage locations.

Does an SPCC Plan Need to be Reviewed and/or Updated?

- ◆ The plan has to be reviewed at least once every five years.
- ◆ The plan must be amended when there are changes in facility design, construction, operation or maintenance which materially affect the facility's potential for the discharge of oil; or if there are two or more spills in 12 months, or one spill of at least 1,000 gallons.

Who Cares if My Facility Does Not Have a Plan?

- ◆ Company management. Having measures in place to prevent spills is cost effective, since spill cleanup can be costly. However, when a plan is in place, spill cleanup can be more efficient, more effective and less costly than if there is no course of action.
- ◆ The U.S. EPA. The penalty for failure to have a SPCC Plan can be up to \$27,500 per day of violation, up to a maximum of \$137,500, if an administrative action is filed. The EPA performs random, unannounced inspections of facilities suspected of needing a SPCC Plan.

What Could You Be Held Responsible for if there is a Spill?

- ◆ Removing the material from public property. Cleaning of highways, waterways, storm drains, bridge abutments, etc.
- ◆ Removing the material from private property, such as boat hulls, parking lots.
- ◆ Paying for natural resources damages (lost parking receipts at public beaches; lost revenues from fishing licenses; replacing killed fish, shellfish and waterfowl).
- ◆ Paying for lost livelihood wages of fisherman and shell fisherman, devaluation of property for sale. Private suits.
- ◆ Civil penalty for spilling into a water of the U.S.
- ◆ Criminal penalty if you fail to notify the federal authorities. State agencies and contractors have no responsibility to notify for you.

For questions about the federal SPCC program, call Donald Grant, Oil Spill-SPCC Enforcement Coordinator for EPA-Region One at (617) 918-1768 or visit EPA's website at www.epa.gov/oilspill/spcc.htm.



Did You Know?

Moral of the story: It's a lot cheaper to prevent a release than to clean one up.

2004 Pit Stops Fact Sheets

Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127
Office of Pollution Prevention (860) 424-3297 www.dep.state.ct.us/wst/p2/vehicle/abindex.htm
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